

TRANSMITTAL FORM

Application Number: 10/526,354
 Filing Date: February 25, 2005
 First Named Inventor: Martin Beer
 Art Unit: 1615
 Examiner Name: Unknown
 Attorney Docket Number: DEBE:049US

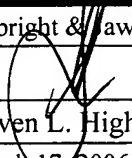
Total Number of Pages in this Submission :

ENCLOSURES (check all that apply)

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<input checked="" type="checkbox"/> Information Disclosure Statement
<input checked="" type="checkbox"/> Form PTO-1449
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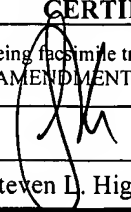
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski L.L.P.	Customer Number	32425
Signature			
Printed Name	Steven L. Highlander	Reg. No.	37,642
Date	March 17, 2006		

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Signature			
Typed or Printed Name	Steven L. Highlander	Date	March 17, 2006



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Martin Beer *et al.*

Serial No.: 10/526,354

Filed: February 25, 2005

For: NON-HUMAN HERPESVIRUSES AS
VECTORS

Group Art Unit: 1615

Examiner: Unknown

Atty. Dkt. No.: DEBE:049US

**CERTIFICATE OF MAILING
37 C.F.R. 1.8**

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March 17, 2006

Date

Steven L. Highlander

INFORMATION DISCLOSURE STATEMENT

MS AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:


In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/DEBE:049US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Attorney for Applicants

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600 Congress Avenue, Suite 2400
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Date: March 17, 2006

Form PTO-1449 (modified)

List of Patents and Publications for Applicant

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.
DEBE:049USSerial No.
10/526,354Applicant
Martin Beer *et al.*Filing Date:
February 25, 2005Group:
UnknownU.S. Patent Documents
*See Page 1*Foreign Patent Documents
*See Page 1*Other Art
See Page 1

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	2002/090716	07/11/02	Markham <i>et al.</i>	435	235.1	03/18/02
	A2	6,187,320	02/13/01	Darai <i>et al.</i>	424	229.1	04/03/95
	A3	6,387,685	05/14/02	Markham <i>et al.</i>	435	235.1	12/12/97
	A4	6,225,111	05/01/01	Cochran <i>et al.</i>	435	320.1	08/06/93

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO 01/60403	08/23/01	WIPO			English

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Buczynski <i>et al.</i> , "Characterization of the transactivation domain of the equine herpesvirus type 1 immediate-early protein," <i>Virus Res.</i> , 65:131-140, 1999.
	C2	Hubert <i>et al.</i> , "Alterations in the equine herpesvirus type-1 (EHV-1) strain RacH during attenuation," <i>Zentralbl. Veterinarmed.[B]</i> , 43:1-14, 1996.
	C3	Neubauer <i>et al.</i> , "Equine herpesvirus mutants devoid of glycoprotein B or M are apathogenic for mice but induce protection against challenge infection," <i>Virology</i> , 239:36-45, 1997.
	C4	Osterrieder <i>et al.</i> , "Deletion of gene 52 encoding glycoprotein M of equine herpesvirus type 1 strain RacH results in increased immunogenicity," <i>Vet. Microbiol.</i> , 81:219-226, 2001.
	C5	Osterrieder, "Construction and characterization of an equine herpesvirus 1 glycoprotein C negative mutant," <i>Virus Res.</i> , 59:165-177, 1999.
	C6	Osterrieder, <i>et al.</i> , "Structure and function of equine herpesvirus glycoproteins – a review," <i>Proceedings of the 8th International Conference on Equine Infectious Diseases</i> , 111-118, 1999.
	C7	Roumillat <i>et al.</i> , "Persistent infection of a human lymphoblastoid cell line with equine herpesvirus 1," <i>Infect. Immun.</i> , 24(2):539-544, 1979.

25524318.1

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DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. DEBE:049US	Serial No. 10/526,354
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Martin Beer <i>et al.</i>	
		Filing Date: February 25, 2005	Group: Unknown
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C8	Rudolph and Osterrieder., "Equine herpesvirus type 1 devoid of gM and gp2 is severely impaired in virus egress but not direct cell-to-cell spread," <i>Virology</i> , 293(2):356-367, 2002.
	C9	Sun and Brown, "The open reading frames 1, 2, 71, and 75 are nonessential for the replication of equine herpesvirus type 1 in vitro," <i>Virology</i> , 199:448-452, 1994.
	C10	Sun <i>et al.</i> , "Identification and characterization of the protein product of gene 71 in equine herpesvirus 1," <i>J. Gen. Virol.</i> , 75(Pt.11):3117-3126, 1994.
	C11	Yalamanchili and O'Callaghan, "Organization and function of the ORIs sequence in the genome of EHV-1 DI particles," <i>Virology</i> , 179:867-870, 1990.
	C12	Yalamanchili and O'Callaghan, "Sequence and organization of the genomic termini of equine herpesvirus type 1," <i>Virus Res.</i> , 15:149-161, 1990.
	C13	Yalamanchili <i>et al.</i> , "Identification of the site of recombination in the generation of the genome of DI particles of equine herpesvirus type 1," <i>Virology</i> , 175:448-455, 1990.

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